



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

Advisory Opinion No. 05-07-007

A public employee asks if there is a conflict between his public employment and his role as a volunteer member of the board of directors of a local non profit charitable corporation. Because the employee does not have any job responsibilities that affect the corporation, we perceive no conflict.

The public employee works in the Department of Health of Human Services. He has been asked to serve as a volunteer member of the board of directors of a local nonprofit charitable corporation that provides assistance to individuals with developmental disabilities. The corporation receives state supplemental funding through the County. Before 2002, the public employee's duties included working with the corporation, and therefore, he would have been precluded from serving on the board. Since 2002, however, the employee has been assigned to work in another division and he no longer participates in any matter that involves the organization.

The ethics law precludes a public employee from participating in any matter if the employee knows, or reasonably should know, that a business in which he is an officer or director is a party to that matter. § 19A-11(a)(2)(A) Montgomery County Code (1994), as amended. Based upon the facts provided, the employee is not participating in any "matter" in which the corporation is a party. Thus, the employee may do volunteer work for the corporation unless and until the County assigns him to work on a matter where the corporation is a party.

The Commission reminds the employee that § 19A-15 of the Code prohibits an employee from disclosing to the corporation any confidential information maintained by the County.

This advice is consistent with Advisory Opinions *02-005*, *03-008*, and *04-004*, which can be accessed on the Ethic Commission website at www.montgomerycountymd.gov/ethics.

FOR THE COMMISSION:

Date

Richard N. Reback, Chair